

REMARKS/ARGUMENTS

Claims 1-13 were pending. Claims 1 and 2 have been amended, and claims 8-13 have been canceled. Therefore, upon entry of this amendment, which is respectfully requested, claims 1-7 will be pending.

Claims 1-7 have been rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. This rejection is respectfully traversed in view of the amendment to the preamble of claim 1 wherein recitation of "and preparing" has been removed.

Claims 1-7 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Tottenham et al. (U.S. Patent No. 6,264,889) in combination with Ecker (U.S. Patent No. 6,148,989). Applicants respectfully traverse this rejection for at least the following reasons.

Tottenham discloses a method and apparatus for pasteurization of food and/or food processing equipment. The techniques disclosed by Tottenham include adding the food and/or equipment to a chamber and continuously applying low pressure steam to the chamber until the surface of the food and/or equipment has reached a pre-selected temperature.

Ecker discloses an apparatus and method for cleaning produce wherein the produce is rotated during transport on a conveyor.

Applicants respectfully assert that the cited references, taken alone or in combination, fail to teach or suggest the presently claimed invention as is alleged in the Office Action. In particular, the cited references fail to teach or suggest the limitation of "applying steam directly to an outer surface of the produce on the conveyor," as is recited in claim 1. (emphasis added)

Tottenham discloses indirect application of steam wherein a chamber is heated by adding low pressure steam to the chamber. This is readily apparent from reading Tottenham in its entirety, and in particular, for example, with reference to FIG. 1 and column 4, line 63 to column 5, line 1. Additionally, the remainder of Tottenham consistently teaches adding steam to

the chamber and does not teach or suggest direct application of steam to an outer surface of produce as is claimed. See, e.g., column 5, line 15 and line 27. If anything, Tottenham teaches away from direct application of steam, which would require a pressure greater than the low pressure steam taught by Tottenham, since Tottenham advocates using low pressure steam, e.g., to avoid the problems of boiler generated steam. See, e.g., Tottenham, column 4, line 66 to column 5, line 1.

In contrast to the indirect continuous steam pasteurization techniques taught by Tottenham, the presently claimed invention is directed to a method wherein steam is applied directly to an outer surface of the produce. (emphasis added) Direct application of steam to an outer surface of produce is not taught by Tottenham, nor is it taught by the other cited references. Thus, even if Tottenham were combined with the other cited references as suggested in the Office Action, the combination could not result in the method as is presently claimed.

Further, it is noted that the direct steam injection techniques of the presently claimed invention provide advantageous results compared with indirect steam pasteurization techniques, such as the techniques of Tottenham, as set forth in paragraphs [0034] to [0036] of the present application.

It was further states in the Office Action that Tottenham and Ecker do not teach the pressure as claimed, but that it would have been obvious for one skilled in the art to adjust the pressure of the steam to obtain optimum results. As above, Tottenham teaches away from the use of high pressure steam. Furthermore, the use of a higher pressure steam would not make a difference in the indirect steam pasteurization approach taught by Tottenham, so there would be no motivation to increase the pressure in view of the "many potential problems" associated with high pressure steam as mentioned in Tottenham. See, e.g., Tottenham, column 4, line 66 to column 5, line 1.

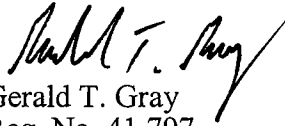
Accordingly, it is respectfully asserted that independent claim 1 is patentably distinct from Tottenham either taken alone or when combined with Ecker for at least the above reasoning. Further, all claims depending from claim 1 are also patentable over the cited references based at least on their dependency from allowable claim 1.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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